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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,252

12/16/2004

Daniel Graf

AT 020037

8316

24737

7590

08/04/2006

EXAMINER

HINDI, NABIL Z

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/518,252

**Applicant(s)**

GRAF, DANIEL

**Examiner**

NABIL Z. HINDI

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

In response to applicant's amendment dated June 29, 2006, the following action is taken:

Claims 1-6 and 14-16 are rejected under 35 U.S.C. 101 because

The claimed invention is directed to non-statutory subject matter. The claimed invention is merely drawn to data on a medium.

The claims are rejected for the same reason set forth in the previous office action repeated herein.

**All references to the claims in the specification must be deleted.**

**Pages one and two of the specification cite references to the claims, which must be deleted.**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 6-118914.

The reference discloses the use of an optical disk having demonstration data relevant (inherent) to the device as cited by the abstract having reference and demonstration data on the optical medium 19. The play back device (fig 2) having a signal processing

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means 11, switching means for switching into a demonstration mode (fig 1 element 2 and element 11 having the switching means), supply means for supplying the demonstration data 12, reading means for reading the demonstration data from a medium 18, 19 and the processing means (all of the other elements within fig 2).

With respect to the limitations of claims 2 and 8 see elements 12, 18 and 19.

With respect to the limitations of claims 3 and 9 see elements 18 and 19.

With respect to the limitation of claim 4 see elements 12, 18 and 19.

With respect to the limitation of claim 6. The limitation "compressed format" is merely a terminology related to the encoded data on an optical disk written within the CD.

With respect to the limitation of claim 10. The use of a CD reading apparatus inherently encompasses the insertion and removing of the desired CD to be played.

With respect to the limitation of claim 11 see the abstract.

With respect to the limitation of claim 13. the combinational elements 12, 18 and 19 meet the claimed invention.

With respect to the limitation of claim 14. such limitation is a "user" operating a key on the device as cited in the reference.

With respect to the limitation of claim 16. the use of a "virtual data" such limitation is merely a display which is well established in the art as acknowledged by applicant's own prior art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6-118914 in view of Jacober et al (6020886).

The primary reference discloses the invention as analyzed above. However the reference does not disclose the use of a script file. The secondary reference discloses the use of a script file for the purpose of ease of use of the demonstration process as cited on column 2 lines 55-60.

It would have been obvious to one skilled in the art at the time the invention was made to use the teachings of the secondary reference and modify the system of the primary reference. Such modification of using a script file is within the engineering capability of one skilled in the art in order to easily and quickly manipulate the demonstration process. Thus one skilled in the art would have been motivated to use the teachings of the secondary reference for the purpose of quickly and easily prompt the demonstration process.

Applicant's arguments filed June 29, 2006 have been fully considered but they are not persuasive. In response to applicant's arguments centered around the newly added limitations in the claims "wherein the inherent function includes use of an external network regardless of whether the external network is currently available" is merely interpreted as any external element connected to the optical head such as the use of a computer, CPU unit, Internet...etc. the reference JP "914" is drawn to the use of an

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external network 11 and 12 with respect to an external medium 19. therefor whether the external network 11 and 12 is available or not the demonstration data is available in the medium 19 meeting the claimed invention. As for the use of a "virtual data" such limitation is merely a display that is well established in the art as acknowledged by applicant's own prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to **NABIL Z. HINDI** at telephone number (571) 272-7618.

  
NABIL HINDI  
PRIMARY EXAMINER  
GROUP 2500  
2627